

BOARD OF CITY COMMISSIONERS
Fargo, North Dakota

Regular Meeting:

Monday:

April 11, 2016:

The Regular Meeting of the Board of City Commissioners of the City Fargo of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Monday, April 11, 2016.

The Commissioners present or absent were as shown following:

Present: Gehrig, Piepkorn, Sobolik, Williams, Mahoney

Absent: None

Mayor Mahoney presiding.

Hearing on an Appeal of the Decision of the Civil Service Commission in the Matter of the Termination of Fargo Firefighter Scot Kelsh:

A Hearing had been set for this day and hour to consider the appeal on the decision of the Civil Service Commission regarding the termination of Fargo Firefighter Scot Kelsh.

Commissioner Piepkorn moved the Board uphold the March 1, 2016 decision of the Civil Service Commission regarding the termination of Firefighter Scot Kelsh.

Second by Williams. On call of the roll Commissioners Piepkorn, Williams, Gehrig, Sobolik and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

At 3:58 p.m., the Board recessed until 5:00 o'clock p.m.

After recess: All Commissioners present. Mayor Mahoney presiding.

Order of Agenda Approved:

Commissioner Williams moved the Order of the Agenda be approved.

Second by Sobolik. All the Commissioners voted aye and the motion was declared carried.

Minutes Approved:

Commissioner Gehrig moved that the Minutes of the Regular Meeting of the Board held on March 28, 2016 be approved as read.

Second by Williams. All the Commissioners voted aye and the motion was declared carried.

Consent Agenda Approved:

Commissioner Sobolik moved the Consent Agenda be approved as follows:

1. 2nd reading, waive reading and final adoption of the following Ordinances: 1st Reading, 3/28/16:
 - (1) Rezoning Certain Parcels of Land Lying in Spiry Third Addition to the City of Fargo, Cass County, North Dakota.

- (2) Rezoning Certain Parcels of Land Lying in Valley View Fourth and Valley View Fifth Addition, Fargo, Cass County, North Dakota.
 - (3) Rezoning Certain Parcels of Land Lying in South Ridge First Addition, Fargo, Cass County, North Dakota.
 - (4) Rezoning Certain Parcels of Land Lying in Rocking Horse Farm Fourth Addition, Fargo, Cass County, North Dakota.
 - (5) Rezoning Certain Parcels of Land Lying in Section 19, Township 140 North, Range 48 West, Fargo, Cass County, North Dakota
2. Grant Award Amendment with the North Dakota Department of Health for Public Health Emergency Preparedness and Response, City Initiative Readiness (CFDA #93.069).
 3. Contract with the North Dakota Department of Health for Epidemiology and Laboratory Capacity Program – West Nile Virus (CFDA #93.323).
 4. Recommendation from the PEC to reclassify a vacant Community Health Educator position (Grade 12) to a Nutritionist II position (Grade 13) effective immediately.
 5. Site Authorization for Games of Chance:
 - (1) Jon Greenley Amvets Post #7 at the Nestor Tavern.
 - (2) Jon Greenley Amvets Post #7 at the Amvets.
 6. Applications for Games of Chance:
 - (1) Fargo-Moorhead Cosmopolitan Club for a sports pool from 9/19/16 to 12/26/16.
 - (2) Fargo-Moorhead Cosmopolitan Club for a calendar raffle from 9/1/16 to 6/29/17.
 - (3) YWCA Cass Clay for a raffle on 4/25/16.
 - (4) Homeward Animal Shelter for a raffle on 4/21/16.
 - (5) Kappa Alpha Theta for a raffle on 4/25/16.
 - (6) NDSU Saddle and Sirloin for a raffle on 5/7/16.
 - (7) St. Pauls Newman Center for a raffle on 5/8/16.
 - (8) North Dakota CPA Society Foundation for a raffle on 9/27/16.
 - (9) American Cancer Society for a raffle on 4/30/16.
 - (10) Service Dogs by Warren Retrievers for a raffle on 4/23/16.
 7. Application filed by David W. Zozimo and Lwiza K. Elvio for a five-year tax exemption for improvements made to a building at 1418 17th Street South.
 8. Pay increase for Interim Inspections Administrator Bruce Taralson to Grade 17, Step 4, effective April 4, 2016.
 9. Contract with ThyssenKrupp Elevator Americas to replace the hydraulic cylinder in the Island Park Ramp elevator for \$28,478.00.
 10. Eight-month land lease with Valley Express, Inc. for property at 4000 36th Avenue South.

11. FAA Aerial Mosquito Spraying Authorization Application for Airborne Custom Spraying.
12. Six-month land lease with Quam Construction Company for property at the SE corner of 12th Avenue North and 9th Street in West Fargo.
13. Memorandum of Offer to Landowners for Temporary and/or Permanent Easements for Project No. PR-14-01:
 - (1) 3803 Hospitality LLP
 - (2) Village West Shopping Center LLP
 - (3) Village West Investors LLP
 - (4) Oak Park Plaza LLP
14. Bid advertisement for Project No. TP-16-B.
15. Bid award for Project No. SR-16-A1 to Ti-Zack Concrete, Inc. in the amount of \$382,275.00, and for Project No. FM-15-B1 to Griffin Construction Co., Inc. in the amount of \$2,478,296.95.
16. Contracts and Bonds for Project Nos. PR-16-A1, SN-16-A1, SW-16-01 and TM-16-A1.
17. Bills in the amount of \$5,964,238.91.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Williams, Gehrig and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 7 and 14, 2016 and protests representing less than 16 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved the protests be received and filed and declared insufficient.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1:

The bids for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 6, 2016, and the bids were found to be as follows:

Adelman Concrete and Excavating, Inc. Bid:	West Fargo, ND \$54,755.00
Dakota Underground Company Bid:	Fargo, ND \$54,865.00
All Finish Concrete Bid:	West Fargo, ND \$58,732.00
Opp Construction Bid:	Fargo, ND \$70,610.00

Contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1 Awarded to Adelman Concrete and Excavating, Inc. in the Amount of \$54,755.00:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 6, 2016 for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1 shows the bid of Adelman Concrete and Excavating, Inc. of West Fargo, North Dakota, in the sum of \$54,755.00 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Adelman Concrete and Excavating, Inc. in the sum of \$54,755.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for P.C. Concrete Alley Paving and Incidentals Improvement District No. AN-16-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Adelman Concrete and Excavating, Inc. for the sum of \$54,755.00, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.
No Protests Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1:

The Statutory Resolution of Necessity for the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 7 and 14, 2016 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1:

The bids for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 6, 2016 and the bids were found to be as follows:

Ryan Contracting Bid:	Shakopee, MN \$630,182.92
Master Construction Company, Inc. Bid:	Fargo, ND \$682,884.00
George E. Haggart, Inc. Bid:	Fargo, ND \$719,618.40
Northern Improvement Company Bid:	Fargo, ND \$779,495.70
Dakota Underground Company, Inc. Bid:	Fargo, ND \$826,236.95
Robert Gibb and Sons, Inc. Bid:	Fargo, ND \$948,338.10

Contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1 Awarded to Ryan Contracting in the Amount of \$630,182.92:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 6, 2016 for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1 shows the bid of Ryan Contracting of Shakopee, Minnesota, in the sum of \$630,182.92 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Ryan Contracting in the sum of \$630,182.92 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Sanitary Sewer, Water Main, Storm Sewer, Paving, Street Lights and Incidentals Improvement District No. BN-16-A1 in

the City of Fargo, North Dakota, be and the same is hereby awarded to Ryan Contracting for the sum of \$630,182.92, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 7 and 14, 2016 and protests representing 3.97 percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved the protests be received and filed and declared insufficient.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1:

The bids for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 6, 2016 and the bids were found to be as follows:

Robert Gibb and Sons, Inc.	Fargo, ND
Bid:	\$2,849,354.65
Master Construction Company, Inc.	Fargo, ND
Bid:	\$2,870,175.10
Ryan Contracting	Shakopee, MN
Bid:	\$2,884,896.55
Dakota Underground Company, Inc.	Fargo, ND
Bid:	\$3,094,285.65

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1 Awarded to Robert Gibb and Sons, Inc. in the Amount of \$2,849,354.65:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 6, 2016 for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1 shows the bid of Robert Gibb and Sons, Inc. of Fargo, North Dakota, in the sum of \$2,849,354.65 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Robert Gibb and Sons, Inc. in the sum of \$2,849,354.65 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-A1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Robert Gibb and Sons, Inc. for the sum of \$2,849,354.65, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams, and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

No Protests Received for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A:

The Statutory Resolution of Necessity for the construction of Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 22 and 29, 2016 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A:

The bids for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., March 23, 2016 and the bids were found to be as follows:

Contract No. 1 (General):

PKG Contracting

Bid:

Fargo, ND

\$515,498.00

Northern Plains Contracting, Inc.

Bid:

Wolverton, MN

\$567,087.00

Robert Gibb and Sons, Inc. Fargo, ND
Bid: \$616,600.00

Contract No. 2 (Electrical):

JDP Electric, Inc. Fargo, ND
Bid: \$106,570.00

Fritz Electric, Inc. Fargo, ND
Bid: \$119,025.00

Rick Electric, Inc. Moorhead, MN
Bid: \$121,800.00

Contract for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A Awarded to PKG Contracting (General) in the Amount of \$515,498.00 and JDP Electric, Inc. (Electrical) in the Amount of \$106,570.00:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 23, 2016 for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A shows the bid of PKG Contracting (General) of Fargo, North Dakota, in the sum of \$515,498.00; and JDP Electric, Inc. (Electrical) of Fargo, North Dakota, in the sum of \$106,570.00 to be the lowest and best bids received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bids received from PKG Contracting (General) in the sum of \$515,498.00; and JDP Electric, Inc. (Electrical) in the sum of \$106,570.00, to be the lowest and best bids received.

BE IT FURTHER RESOLVED, That the contract for Lift Station No. 48 Expansion and Sewer Service Area Improvements Improvement District No. NR-16-A in the City of Fargo, North Dakota, be and the same is hereby awarded to PKG Contracting (General) for the sum of \$515,498.00 and JDP Electric, Inc. (Electrical) in the sum of \$106,570.00, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

No Protests Received for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01:

The Statutory Resolution of Necessity for the construction of Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01 in the City of Fargo, North Dakota, was duly published

in the official newspaper for the City of Fargo, North Dakota on March 7 and 14, 2016 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01:

The bids for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 6, 2016 and the bids were found to be as follows:

Master Construction Company, Inc.	Fargo, ND
Bid:	\$10,610,886.25
Strata Corporation	Grand Forks, ND
Bid:	\$12,189,316.00
Northern Improvement Company	Fargo, ND
Bid:	\$12,873,741.80

Contract for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01 Awarded to Master Construction Company, Inc. in the Amount of \$10,610,886.25:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 6, 2016 for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvements Improvement District No. PR-14-01 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01 shows the bid of Master Construction Company, Inc. of Fargo, North Dakota, in the sum of \$10,610,886.25 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Master Construction Company, Inc. in the sum of \$10,610.886.25 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Grading, P.C.C. Pavement, Storm Sewer, Traffic Signals, Street Lighting, Sidewalks and Incidentals Improvement District No. PR-14-01 in the City of Fargo, North Dakota, be and the same is hereby awarded to Master Construction Company, Inc. for the sum of \$10,610,886.25, subject to

the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on February 8 and 15, 2016 and protests representing less than one percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved the protests be received and filed and declared insufficient.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1:

The bids for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 in the City of Fargo, North Dakota were opened by the NDDOT on March 18, 2016 and the bids were found to be as follows:

Adelman Concrete and Excavating, Inc. Bid:	West Fargo, ND \$424,113.75
Wanzek Construction, Inc. Bid:	Fargo, ND \$478,444.50
Industrial Builders, Inc. Bid:	Fargo, ND \$481,691.25

Contract for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 Awarded to Adelman Concrete and Excavating, Inc. in the Amount of \$424,113.75:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received March 18, 2016 for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No.

SN-16-B1 shows the bid of Adelman Concrete and Excavating, Inc. of West Fargo, North Dakota, in the sum of \$424,113.75 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Adelman Concrete and Excavating, Inc. in the sum of \$424,113.75 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Bridge Modifications, Shared Use Path, Street Lighting and Incidentals Improvement District No. SN-16-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Adelman Concrete and Excavating, Inc. for the sum of \$424,113.75, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1: Protests Received and Declared Insufficient:

The Statutory Resolution of Necessity for the construction of Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 7 and 14 and protests representing less than one percent of the legal protest area have been received and filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved the protests be received and filed and declared insufficient.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1:

The bids for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 6, 2016 and the bids were found to be as follows:

Fargo Electric Construction, Inc. Bid:	Fargo, ND \$898,424.05
Strata Corporation Bid:	Grand Forks, ND \$925,061.80
Moorhead Electric Bid:	Moorhead, MN \$926,294.50

Contract for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 Awarded to Fargo Electric Construction, Inc. in the Amount of \$898,424.05:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 6, 2016 for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 shows the bid of Fargo Electric Construction, Inc. of Fargo, North Dakota, in the sum of \$898,424.05 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Fargo Electric Construction, Inc. in the sum of \$898,424.05 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Traffic Signal Improvements and Incidentals Improvement District No. TN-16-C1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Fargo Electric Construction, Inc. for the sum of \$898,424.05, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

No Protests Received for Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1:

The Statutory Resolution of Necessity for the construction of Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1 in the City of Fargo, North Dakota, was duly published in the official newspaper for the City of Fargo, North Dakota on March 7 and 14, 2016 and no protests have been filed in the office of the City Auditor within the legal protest period.

Commissioner Sobolik moved that the Board declare that no protests have been filed to the construction of Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Bids Received for Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1:

The bids for Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1 in the City of Fargo, North Dakota were opened at 11:30 o'clock a.m., April 6, 2016 and the bids were found to be as follows:

Key Contracting, Inc.
Bid:

Fargo, ND
\$374,720.00

Contract for Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1 Awarded to Key Contracting, Inc. in the Amount of \$374,720.00:

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, The City Engineer has prepared and filed a detailed statement of the estimated costs of Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1; and

WHEREAS, The Board of City Commissioners of the City of Fargo has considered the bids received April 6, 2016 for Storm Sewer Repairs and Incidentals Improvements Improvement District No. UR-15-B1 in the City of Fargo, North Dakota; and

WHEREAS, The City Engineer's tabulation of the bids received for Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1 shows the bid of Key Contracting, Inc. of Fargo, North Dakota, in the sum of \$374,720.00 to be the lowest and best bid received.

NOW, THEREFORE, BE IT RESOLVED, That the Board of City Commissioners finds and declares the bid received from Key Contracting, Inc. in the sum of \$374,720.00 is the lowest and best bid received.

BE IT FURTHER RESOLVED, That the contract for Storm Sewer Repairs and Incidentals Improvement District No. UR-15-B1 in the City of Fargo, North Dakota, be and the same is hereby awarded to Key Contracting, Inc. for the sum of \$374,720.00, subject to the supervision, inspection and approval of the City Engineer, and in accordance with the Plans and Specifications filed in the office of the City Auditor.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

Traffic Signal Improvements and Incidentals Improvement District No. TN-16-B (42nd Street and 19th Avenue South):

Commissioner Sobolik moved the following action be taken in connection with Traffic Signal Improvements and Incidentals Improvement District No. TN-16-B:

Adopt Resolution Creating Improvement District No. TN-16-B:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. TN-16-B in the City of Fargo, North Dakota, be created

The Intersection of 19th Street and 42nd Avenue South.

COMPRISING:

Lot 1, Block 1.

All in Crop Growers Subdivision.

Lots 2 through 7, Block 1.

All in Dakota View Estates Addition.

Lots 2 through 4, Block A.

All in Dakota View Estates 2nd.

Lots 1 and 2, Block 1.

All in West Acres 1st Addition.

Lots 1 through 3, Block 3.
All in West Acres 2nd Addition.

Lots 1 through 12, Block 3.
Lots 1 through 10, Block 4.
Lots 1 through 15, Block 5.
Lots 1 through 10, Block 6.
Lots 1 through 10, Block 7.
Lots 1 through 5, Block 8.
All in West Acres 4th Addition.

Lots 2 and 3, Block 1.
All in West Acres Business Park 2nd Addition.

Lots 1 through 3, Block 1.
All in West Acres Business Park 4th Addition.

Lots 1 and 2, Block 1.
All in West Acres Business Park 5th Addition.

Lot 1, Block 1.
All in West Acres Business Park 6th Addition.

Lots 1 and 2, Block 1.
All in AAA North Dakota Addition.

Lot 1, Block 1.
All in West Acres Business Park 8th Addition.

Lots 1 through 3, Block 1.
All in West Acres Business Park 10th Addition.

Lots 1 through 3, Block 1.
All in Ekman Addition.

Lot 1, Block 1.
All in Pinehurst 1st Addition.

Lot 1, Block 1.
All in Staybridge Addition.

Lots 1 and 2, Block 1.
All in T Sloan Addition.
All the foregoing is located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Traffic Signal Improvements and Incidentals Improvement District No. TN-16-B in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost from the City Engineer for Improvement District No. TN-16-B:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. TN-16-B in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$510,520.73.)

Order Plans and Specifications for Improvement District No. TN-16-B:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. TN-16-B in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. TN-16-B:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. TN-16-B in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. TN-16-B in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Traffic Signal Improvements and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Traffic Signal Improvements and Incidentals Improvement District No. TN-16-B in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Traffic Signal Improvements and Incidentals must be in writing and must be filed with the City Auditor's Office within thirty days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. TN-16-B:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. TN-16-B in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Water Main Replacement and Incidentals Improvement District No. UR-16-A (University Drive South from 21st Avenue to 26th Avenue):

Commissioner Sobolik moved the following action be taken in connection with Water Main Replacement and Incidentals Improvement District No. UR-16-A:

Adopt Resolution Creating Improvement District No. UR-16-A:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, deems it expedient that Improvement District No. UR-16-A in the City of Fargo, North Dakota, be created

On University Drive South from 21st Avenue to 26th Avenue.

COMPRISING:

Lots 1 through 4, Block 1.

Lot 1, Block 2.

All in Oak Manor Addition.

Lot 1, Block 1.

Lots 1 through 3, Block 2.

All located in Oak Manor 2nd Addition.

Lots 1 through 9, Block 1.

Lots 1 through 10 and Lots 15 through 21, Block 2.

All located in Arrowhead Estates Addition.

Lots 1 & 2, Block 2.

All located in Fargo Mall Addition.

Block 1.

Lots 1 through 30, Block 2.

Lots 1 through 3, Block 3.

Lots 1 through 33, Block 4.

All located in Country Club Acres Addition.

Lots 1 through 19, Block 1.

Lots 1 through 30, Block 2.

Lots 1 through 30, Block 3.

All located in Schonberg's Addition.

All of the foregoing located in the City of Fargo, Cass County, North Dakota.

NOW, THEREFORE, BE IT RESOLVED, That Water Main Replacement and Incidentals Improvement District No. UR-16-A in the City of Fargo, North Dakota, be and the same is hereby created.

Request Report and Estimate of Cost from the City Engineer for Improvement District No. UR-16-A:

Direct City Engineer to report as to the general nature, purpose and feasibility relative to the construction of Improvement District No. UR-16-A in the City of Fargo, North Dakota; as well as an estimate of the approximate cost of said construction. (The Engineer's estimate of cost is \$903,685.00.)

Order Plans and Specifications for Improvement District No. UR-16-A:

Direct City Engineer to prepare Plans and Specifications for the construction of Improvement District No. UR-16-A in the City of Fargo, North Dakota.

Adopt Resolution Approving Plans and Specifications and Engineer's Report for Improvement District No. UR-16-A:

WHEREAS, The Board of City Commissioners of the City of Fargo, North Dakota, has created Improvement District No. UR-16-A in the City of Fargo, North Dakota, as required by law; and

WHEREAS, Plans and Specifications and the Engineer's Report prepared by the City Engineer, have been considered.

NOW, THEREFORE, BE IT RESOLVED, That the Plans and Specifications and Engineer's Report for the construction of Improvement District No. UR-16-A in the City of Fargo, North Dakota, be and the same are hereby approved and ordered filed in the Office of the City Auditor.

Adopt Resolution Declaring Water Main Replacement and Incidentals Necessary:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

That it be and is hereby declared necessary to construct Water Main Replacement and Incidentals Improvement District No. UR-16-A in the City of Fargo, North Dakota, according to the Engineer's Report for this district and the Plans and Specifications approved by the Board of City Commissioners of the City of Fargo, North Dakota, filed in the Office of the City Auditor, and open for public inspection. A map of the district is attached hereto and incorporated as if fully set forth herein.

That the entire cost of said improvement be specially assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

Protests against the proposed Water Main Replacement and Incidentals Improvement must be in writing and must be filed with the City Auditor's Office within 30 days after the first publication of this Resolution.

BE IT FURTHER RESOLVED, That the City Auditor's Office is hereby instructed to publish this Resolution, as required by law.

Direct City Auditor's Office to Call for Bids for Improvement District No. UR-16-A:

Direct City Auditor's Office to publish a Notice, as required by law, calling for bids for the construction of Improvement District No. UR-16-A in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Contract for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Master Construction Company, Inc. for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Contract Bond for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 Approved:

Commissioner Sobolik moved approval of the following described Contract Bond as to sufficiency:

Western Surety Company, in the amount of \$3,826,646.30, for Water Main Replacement, Force Main Construction, Street Reconstruction and Incidentals Improvement District No. BR-16-B1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Contract for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and Shermans, LLC for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Contract Bond for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F1 Approved:

Commissioner Sobolik moved approval of the following described Contract Bond as to sufficiency:

Western Surety Company, in the amount of \$1,690,769.54, for Water Main Replacement, Street Reconstruction and Incidentals Improvement District No. BR-16-F1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Contract for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N1 Approved:

Commissioner Sobolik moved approval of the Contract between the City of Fargo and KPH, Inc. for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Contract Bond for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N1 Approved:

Commissioner Sobolik moved approval of the following described Contract Bond as to sufficiency:

Western Surety Company, in the amount of \$427,563.90, for Concrete Curb and Gutter, Asphalt Paving, Street Lights and Incidentals Improvement District No. PN-15-N1 in the City of Fargo, North Dakota.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Gehrig, Williams and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Presentation of MATBUS Eco Benefits in Commemoration of Earth Week 2016:

Transit Director Julie Bommelman said Earth Week is the week of April 18th through the 24th and a press conference will be held at 11:00 a.m. on Tuesday, April 19th at the Fargo Recycling Station in the Osgood neighborhood. The press conference will highlight a variety of ways to “go green” in partnership with the cities of Moorhead and West Fargo. She gave an update on the use of energy efficient busses, promotion of the iGoEco Challenge campaign and the recent implementation of Google Maps as an option for transit trip planning services.

North Dakota Department of Transportation Section 5339 Transit Grant Agreement Approved:

The Board received a communication from Transit Director Julie Bommelman stating that through a competitive grant process, the State of North Dakota Department of Transportation has awarded the City of Fargo \$616,000.000 in Capital 5339 funds to purchase two expansion fixed route buses. She said the award requires a local match of \$154,000.00 which has been budgeted in the Transit budget; however, the total amount of \$770,000.00 falls short of the cost of the two vehicles which are approximately \$450,000.00 each. She shared an outline of grant funds and the local share amounts. She said the request is for \$70,660.00 in additional funds required to allow transit to fully expend the grant which is within the transit budget due to the savings in lower fuel costs.

Commissioner Williams said these buses could replace less efficient, older buses. He said with \$570,000.00 in avoided costs due to lower fuel costs, this represents an opportunity to catch up a bit.

In response to a question from Commissioner Piepkorn about whether there is a grant writer on her staff, Ms. Bommelman said there is not. She said there are various

opportunities for grants throughout the year, and depending on what is involved it can take a significant amount of her time.

Mayor Mahoney said there have been discussions about the advantages of having dedicated grant writers which would be something to consider in the budget.

Commissioner Williams said part of what has been talked about is a sustainability coordinator who could see that the conditions of a grant are being followed.

Commissioner Gehrig said it would be prudent for all departments to set money aside within their budgets for the local share of grants.

Commissioner Gehrig moved the North Dakota Department of Transportation Section 5339 Transit Agreement be approved and a budget adjustment be made in the amount of \$70,660.00.

Second by Williams. On call of the roll Commissioners Gehrig, Williams, Sobolik, Piepkorn and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Appointments to the Arts and Culture Commission:

The Board received a communication from Commissioner Sobolik stating two vacancies exist on the Arts and Culture Commission. She said one vacancy is from Colleen Sheehy who has moved from Fargo and thus resigned her position on the Arts and Culture Commission. Ms. Sheehy's term would have expired June 1, 2017, she said. The other vacancy, she said, was created by the resignation of Chelsea Thorson. Her term would have expired on June 1, 2018. She said she is recommending that Netha Cloeter be appointed to fill the unexpired term of Ms. Sheehy ending June 1, 2017 and Tim Lamey be appointed to fill the unexpired term of Ms. Thorson for a term ending June 1, 2018.

Commissioner Sobolik moved Netha Cloeter be appointed to the Arts and Culture Commission for a term ending June 1, 2017, and Tim Lamey be appointed to the Arts and Culture Commission for a term ending June 1, 2018.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Gehrig, Piepkorn and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Parcels of Land in Loucille's Addition Rezoned (818, 820, 824, 828 14th Street North; 815 and 821 Barrett Street North):

At a Hearing held on March 1, 2016 the Fargo Planning Commission recommended approval of a change in zoning from MR-2, Multi-Dwelling Residential and SR-2, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential of the proposed Loucille's Addition.

The City Auditor's Office published a Notice of Hearing stating this is the time and date set for said Hearing at which time all interested persons could appear and would be heard.

Planning Administrator Nicole Crutchfield said three projects are happening simultaneously in the Roosevelt Neighborhood which is somewhat confusing. The one being discussed tonight is Loucille's Addition, she said, which is bordered by 9th Avenue North, just to the east of Johnson Park. She said this project is in keeping with the Roosevelt Land Use plan adopted in 2009 and updated for the project immediately to the south. The applicant wants to develop this project as one tract; she said, therefore, he asked to vacate the alley; however, at this point the specifics of the apartment project are

unknown. She said right of way has been secured along 9th Avenue North as it turns south and connects to 8th Avenue so at some point in the future that road could be expanded if needed to make it a city standard street. To the north, she said, that road would stay the same as an alley. She said petitions in opposition were received; however, only .2% of that is within the Century Code requirement for notification and some petitions in support were also submitted.

Les Herbranson, 1042 14th Street North, said he lives two blocks north of the proposed development and has been a long time resident. He said he feels there is a lack of communication between the city and the residents. He said he has seen a decrease in single family homes and an increase in rental properties and problems with parking, especially by NDSU students. Many problems could be avoided with stricter enforcement of ordinances, he said, and feels NDSU could do more to provide dormitories and housing for students right on campus.

Planning Director Jim Gilmour said this particular site was identified in the Roosevelt Land Use Plan as appropriate to be rezoned for higher density, while much of the rest of the neighborhood was not. He said the Mayor has scheduled a meeting to sit down with NDSU officials to discuss overall housing needs in the area. He said there are plans in the works for an additional dormitory and some other housing expansions on campus.

Erik Gunderson said he is the developer for this project which has been a work in process for a number of years. He said he feels this project will be an improvement to the area and the houses being removed were rental units that could not be made to pass code without a significant financial investment. He said he does not feel that parking will be an issue due to the fact that over 53 spots have been mapped out for 23 units.

Commissioner Sobolik offered the following Resolution and moved its adoption:

WHEREAS, All legal requirements in connection with the above-described request for rezoning have been complied with; and

NOW, THEREFORE, BE IT RESOLVED, That the findings of staff be accepted and the rezoning be approved on the basis that the proposal satisfactorily complies with the Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams, Gehrig and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

First Reading of an Ordinance Rezoning Certain Parcels of Land Lying in Loucille's Addition to the City of Fargo, Cass County, North Dakota:

Commissioner Sobolik moved the requirement relating to receipt of the Ordinance by the Commission one week prior to first reading be waived and that the Ordinance Rezoning Certain Parcels of Land Lying in Loucille's Addition to the City of Fargo, Cass County, North Dakota be placed on first reading.

Second by Piepkorn. On call of the roll Commissioners Sobolik, Piepkorn, Williams, Gehrig and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Resolution Adopted Approving Loucille's Addition:

Commissioner Sobolik offered the following Resolution and moved its adoption:

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, A Plat has been filed in the office of the City Auditor entitled "Loucille's Addition" containing 2 Lots, 2 Blocks, and 1.389 acres of land more or less, located at 818, 820, 824, 828 14th Street North; 815 and 821 Barrett Street North; and

WHEREAS, The Plat includes the vacation of an alley and a replat of Lots 8-12, Block 3, Kirkham's Addition to the City of Fargo, Cass County, North Dakota; and

WHEREAS, A Hearing was held March 1, 2016 by the Fargo Planning Commission, and notice of such Hearing had been published, as required by law, and said Plat had been approved by the Fargo Planning Commission and by the City Engineer; and

WHEREAS, The City Auditor's Office published a Notice of Hearing on said Plat in the official newspaper for the City of Fargo on March 21 and 28; and April 4 and 11, 2016 that a Hearing would be held in the City Commission Room, City Hall, Fargo, North Dakota at 5:15 p.m., April 11, 2016 at which time said Plat would be considered and all interested persons would be heard.

NOW, THEREFORE, BE IT RESOLVED, That the findings and recommendations of staff and the Planning Commission be accepted and the Plat entitled "Loucille's Addition" be and the same is hereby in all things affirmed and approved on the basis that it complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and that the Mayor of the City of Fargo and the appropriate City Officials are hereby directed to endorse their approval on the Plat and then direct Petitioner to file same for record in the Office of the Recorder of Cass County, North Dakota.

Second by Piepkorn. On the vote being taken on the question of the adoption of the Resolution Commissioners Sobolik, Piepkorn, Williams, Gehrig and Mahoney voted aye.

No Commissioner being absent and none voting nay, the Resolution was adopted.

City Administrator and Planning Department Directed to Implement a Code Enforcement Task Force and Advisory Team:

The Board received a communication from Commissioner Melissa Sobolik stating blighted residential and commercial properties, over-occupied rental properties, junk, weeds, and other nuisances have deleterious effects on established neighborhoods. She said these problem properties negatively impact the quality of life for neighborhood residents, resulting in lower neighborhood property values and higher cost to provide fire, police, and code enforcement to affected neighborhoods. In light of increasing requests for the City of Fargo to be proactive in dealing with problem properties, she said, she is proposing that the City re-establish the Code Enforcement Task Force and also create a citizen Advisory Team to assist in the mission of effectively addressing citizen complaints and supporting strong neighborhoods. The Code Enforcement Task Force, she said, will review existing codes, evaluate current code enforcement procedures, make recommendations for improvements, prioritize cases, and utilize technical and legal tools. The Advisory Team will work with the task force to vet recommendations and provide input, she said. The Code Enforcement Task Force, she said, would be staffed by various City departments, drawing from Planning, Inspections, Fire, Public Health, Police, Engineering, City Attorney and City Commission offices. In addition, she said, the Advisory Team would be composed of citizen volunteers which could include representatives from neighborhood associations, a developer/rental property owner, realtor, lender and the Fargo Housing and Redevelopment Authority.

In response to a question from Commissioner Gehrig about whether the Task Force will be ongoing, Commissioner Sobolik said she sees it as being in existence as long as there are code enforcement issues, and she does not see that going away. She said

finding a sustainable structure is important so it does not fall to the wayside as it did in the past.

Commissioner Sobolik moved City Administrator Bruce Grubb and appropriate staff be directed to implement a Code Enforcement Task Force and Advisory Team.

Second by Williams. On call of the roll Commissioners Sobolik, Williams, Gehrig, Piepkorn and Mahoney voted aye.

No Commissioner being absent and none voting nay, the motion was declared carried.

Fargo Flood Protection Discussion:

Commissioner Piepkorn said he asked for a discussion on the FM Diversion due to the recent increased estimate of \$2 billion. He said it seems like the easiest option is to give the increase to the local taxpayers. Fargo's share is growing and growing, he said, and he is concerned that Fargo's bond rate will deteriorate if this continues, as well as how financial over commitment could begin to affect other things. Right now, he said, the only commitments he sees are the State of North Dakota and local sales tax, and those are not large enough financial commitments to pay for that kind of bill. He said most major projects are 90% federal and 10% local, while right now this project is approximately 20% federal and 80% local. The goal should be 90% federal, he said, and more pressure needs to be put on our representatives. He said the primary focus needs to be protection within the city.

Martin Nicholson of CH2M Hill said an updated estimate was presented March 31, 2016, and a financial plan is being developed to address the issues with the primary inputs being state funding, the federal commitment of \$450 million and the source of revenue, which is sales tax. He said the current schedule has the plan coming out in the next 30 to 60 days and public presentations will follow. He said federal funding has decreased because of a backlog of projects, and all projects are being revised in terms of federal commitment. The diversion project is one of only six new projects accepted this year, he stated.

City Engineer April Walker gave an update on the Mitigation Comp Plan. There have been eighteen miles of protection constructed in town, she said, making the city much better situated should there be a flood fight comparable to the one in 2009. She said because of the work completed 4.9 million fewer sandbags would be needed than during the event in 2009. To date the project costs have been about \$130 million, she said, which includes \$60 million in buyouts. Approximately nine projects are under construction in town this year through the Diversion Authority, she said, totaling about \$60 million. She said the easiest projects were tackled first and now the costs are higher per lineal mile for more difficult project areas. She shared maps outlining four tiers of priority, demonstrating how parts of the comp plan projects could change should parts of it move forward regardless of the diversion.

Mayor Mahoney said the diversion is necessary for permanent flood control. He said an area business leader with a national presence told him if they cannot be guaranteed delivery every day of the year during flood season, the business could potentially relocate out of Fargo. He said the financial analysis expected from Ernst and Young will give a better projection of what will happen based on the recent estimate and it is possible the sales tax could be extended.

Commissioner Gehrig said the State of North Dakota requires permits, and without those the Corps cannot sign the Project Partnership Agreement (PPA). Without a PPA there is no federal funding, he said, and without federal funding, North Dakota will not fund

the project and the taxpayers of Fargo could be left holding the bag for the entire \$2 billion.

Ms. Walker said with regards to the FM Diversion, the State Engineer's office has agreed that if evidence of the ability to obtain a property right is provided, that would be considered sufficient for the purpose of permitting.

Mayor Mahoney said permitting issues are being tackled and the process is moving as fast as it can.

Commissioner Williams said comprehensive water management is desired and he feels a diversion is needed. In the meantime, he said, it is critical that in town protection plans be continued.

Director of Engineering Mark Bittner said it is important for the project to continue. Real protection is needed, he said, as is financial protection from a disaster. He said there is no solution other than the diversion that takes away the potential of adding 19,000 structures to the flood plain in the next five years. He said his house was just mapped into the flood plain and he would willingly pay special assessments to protect his property and to protect the city long term.

Ms. Walker said if certification is not the primary goal, and the concern is not as great about taking structures out of the flood plain in the interim, the Engineering Department can work on a recommendation to bring back to the Board for protection within the city.

Commissioner Sobolik moved that the Board adjourn to 5:00 o'clock p.m., Monday, April 25, 2016.

Second by Piepkorn. All the Commissioners voted aye and the motion was declared carried.

The time at adjournment was 6:24 o'clock p.m.